

In the Matter of)	CG Docket No. 02-278
Petition for Waiver of)	
Papa Murphy's Holdings, Inc. and)	DA 16-1179
Papa Murphy's International L.L.C.)	
)	
Rules and Regulations Implementing the)	
Telephone Consumer Protection Act of 1991)	
)	
Petitions for Waiver and/or Retroactive Waiver of)	
47 CFR Section 64.1200(a)(2) Regarding the)	
Commission's Prior Express Written Consent)	
Requirement)	
)	

Petitioners John Lennartson and Susan Shay Nohr hereby submit this supplement to their November 14, 2016 Petition for Reconsideration of Retroactive Waiver¹ to Papa Murphy's ("Petition") in the above captioned proceeding. Petitioners have concurrently submitted their Petition for Leave to File under separate cover.²

¹ See *In re Rules & Regs. Implementing the TCPA of 1991 Petitions for Waiver and/or Retroactive Waiver of 47 CFR Section 64.1200(a)(2) Regarding the Commission's Prior Express Written Consent Requirement*, CG Docket No. 02-278 ¶ 1 (Oct. 14, 2016) (hereinafter "Waiver Order").

² See *John Lennartson and Susan Shay Nohr's Request for Leave to File Supplement to Petition for Reconsideration of Retroactive Waiver to Papa Murphy's Holdings, Inc. and Papa Murphy's International L.L.C.*, CG Docket No. 02-278, filed Dec. 16, 2016.

Manager at Internet Archive, a company that created the Wayback Machine, which allows users to search and view billions of pages in the Internet Archive's web archive.

On November 14, 2016 Petitioners provided evidence that Papa Murphy's was not confused by the 2012 Order³, but was instead simply unaware of it, thus negating the sole basis of the waiver. *See* Pet. at 14; Reply at 4. This evidence included archived copies of Papa Murphy's website showing that Papa Murphy's did not comply or implement the 2012 Order's express written consent requirements until long after the effective date of these requirements, thus demonstrating that Papa Murphy's was simply unaware of the 2012 Order, not confused by it. Petitioners informed the Commission that it would provide authenticated copies of these webpages. *See* Reply at 4. This proposed supplement provides authenticated copies of these same webpages, and consequently provides the Commission with an authenticated factual record as to Papa Murphy's lack of confusion. This supplement is particularly important in light of Papa Murphy's unsupported claims to counter this evidence that it made changes to its text message program disclosures that related to the 2012 Order on or about October 16, 2013. *See* Resp. at 10. Based on the evidence now available to the Commission, this is incorrect: nowhere on these webpages is there (1) a disclosure that Papa Murphy will send text messages using an autodialer or (2) a disclosure that consent is not a condition of purchase.

Accordingly, Petitioners respectfully request the Commission to grant their request to withdraw or modify the October 14, 2016 Waiver Order as to Papa Murphy's.

³ *See In re Rules & Regs. Implementing the TCPA of 1991*, 27 FCC Rcd. 1830, 1836 (Feb. 15, 2012) (hereinafter "2012 Order").

DATED this 16th day of December, 2016.

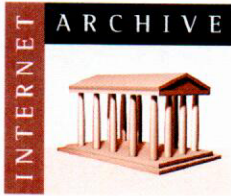
Respectfully submitted,

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AFFIDAVIT OF CHRISTOPHER BUTLER

1. I am the Office Manager at the Internet Archive, located in San Francisco, California. I make this declaration of my own personal knowledge.

2. The Internet Archive is a website that provides access to a digital library of Internet sites and other cultural artifacts in digital form. Like a paper library, we provide free access to researchers, historians, scholars, and the general public. The Internet Archive has partnered with and receives support from various institutions, including the Library of Congress.

3. The Internet Archive has created a service known as the Wayback Machine. The Wayback Machine makes it possible to surf more than 450 billion pages stored in the Internet Archive's web archive. Visitors to the Wayback Machine can search archives by URL (i.e., a website address). If archived records for a URL are available, the visitor will be presented with a list of available dates. The visitor may select one of those dates, and then begin surfing on an archived version of the Web. The links on the archived files, when served by the Wayback Machine, point to other archived files (whether HTML pages or images). If a visitor clicks on a link on an archived page, the Wayback Machine will serve the archived file with the closest available date to the page upon which the link appeared and was clicked.

4. The archived data made viewable and browseable by the Wayback Machine is compiled using software programs known as crawlers, which surf the Web and automatically store copies of web files, preserving these files as they exist at the point of time of capture.

5. The Internet Archive assigns a URL on its site to the archived files in the format [http://web.archive.org/web/\[Year in yyyy\]\[Month in mm\]\[Day in dd\]\[Time code in hh:mm:ss\]/\[Archived URL\]](http://web.archive.org/web/[Year in yyyy][Month in mm][Day in dd][Time code in hh:mm:ss]/[Archived URL]) (note: "web-beta.archive.org" may appear in place of "web.archive.org" for any archives printed from a second interface for the Wayback Machine, web-beta.archive.org). Thus, the Internet Archive URL <http://web.archive.org/web/19970126045828/http://www.archive.org/> would be the URL for the record of the Internet Archive home page HTML file (<http://www.archive.org/>) archived on January 26, 1997 at 4:58 a.m. and 28 seconds (1997/01/26 at 04:58:28). A web browser may be set such that a printout from it will display the URL of a web page in the printout's footer. The date assigned by the Internet Archive applies to the HTML file but not to image files linked therein. Thus images that appear on a page may not have been archived on the same date as the HTML file. Likewise, if a website is designed with "frames," the date assigned by the Internet Archive applies to the frameset as a whole, and not the individual pages within each frame.

6. Attached hereto as Exhibit A are true and accurate copies of printouts of the Internet Archive's records of the HTML files or PDF files for the URLs and the dates specified in the footer of the printout (HTML) or attached coversheet (PDF).

7. I declare under penalty of perjury that the foregoing is true and correct.

DATE: 12/8/16


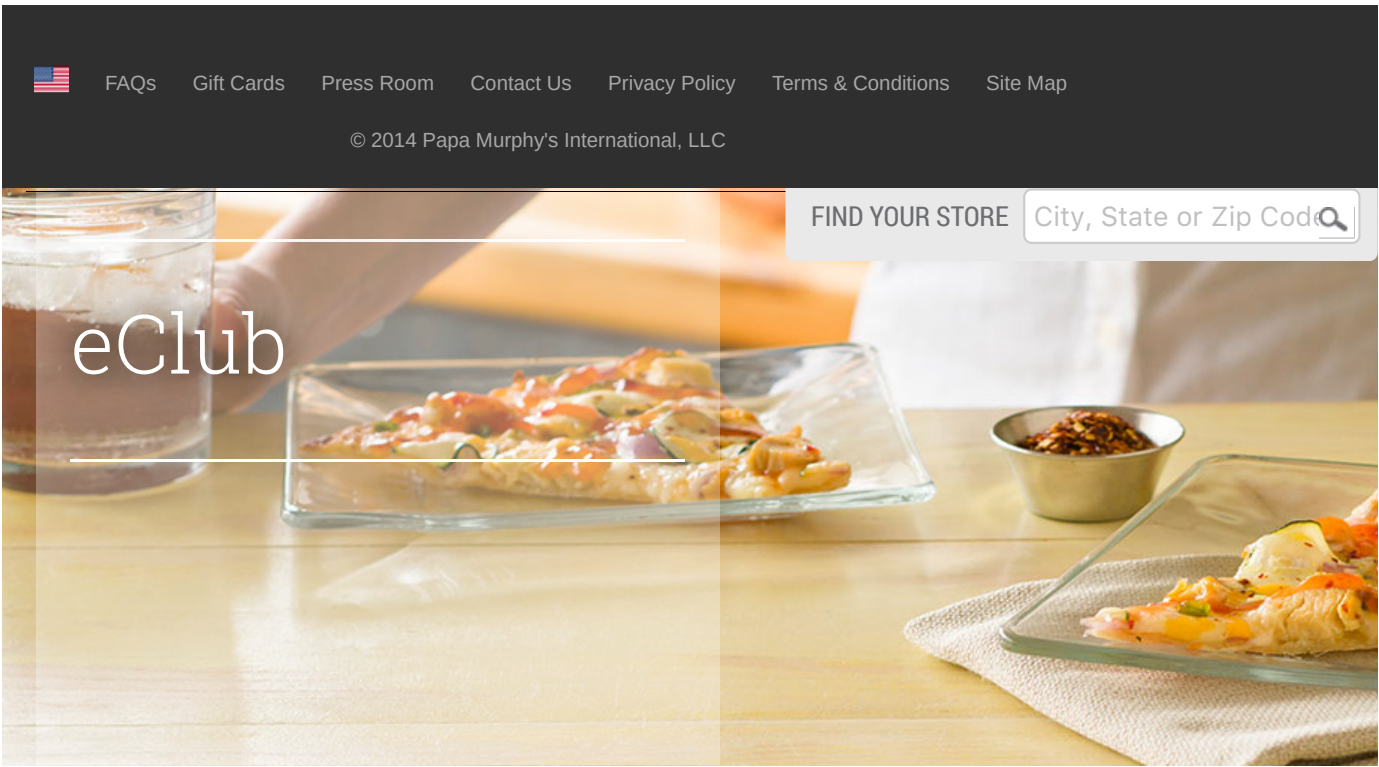

Christopher Butler

Exhibit A



Join the eClub.

We'll send fresh-baked savings right to your inbox.

Email

Why go looking for a deal when you can have one sent right to your inbox? Papa Murphy's eClub members enjoy great deals all year long. For more information, see our [Privacy Policy](#).

Name	<input type="text" value="First Name"/>	<input type="text" value="Last Name"/>
Email	<input type="text" value="Email"/>	
Zip/Postal Code	<input type="text" value="Zip"/>	
Birthday	<input type="text" value="MM"/>	<input type="text" value="DD"/>
I'm over 18 <input type="checkbox"/>		

SUBMIT

Deals

Check out exclusive Papa Murphy's coupons in your area.

GET THE DEALS

Text

To join Papa Murphy's Text Club for coupons & special offers, please enter your mobile number below. You will receive four text messages per month. To unsubscribe from our text club at any time, text **STOP** to **90421** . For questions or help with the text club, text **HELP** to **90421** , or call [800-257-7272](tel:800-257-7272) , or email us at guestservices@papamurphys.com.

Mobile Phone:	<input type="text"/>	*
(Ex. 5555555555)		
First Name:	<input type="text"/>	

OUR STORY

The concept of "take-n-bake" pizza was invented by Papa Murphy's in 1981. But today, we focus on what has made Papa Murphy's the fifth largest pizza company in the United States and Zagat's #1 Rated Pizza Chain: our commitment to FRESH.....[Read More](#)

JOIN OUR FAMILY


Looking for FRESH business opportunities? Convert your passion for pizza into a rewarding career.

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eClub



Join the eClub.

We'll send fresh-baked savings right to your inbox.

Email

Why go looking for a deal when you can have one sent right to your inbox? Papa Murphy's eClub members enjoy great deals all year long. For more information, see our [Privacy Policy](#).

Deals

Check out exclusive Papa Murphy's coupons in your area.

GET THE DEALS

Name	<input type="text" value="First Name"/>	<input type="text" value="Last Name"/>
Email	<input type="text" value="Email"/>	
Zip/Postal Code	<input type="text" value="Zip"/>	
Birthday	<input type="text" value="MM"/>	<input type="text" value="DD"/>
I'm over 18 <input type="checkbox"/>		

SUBMIT

Text

To join Papa Murphy's Text Club for coupons & special offers, please enter your mobile number below. You will receive four text messages per month. To unsubscribe from our text club at any time, text **STOP** to **90421**. For questions or help with the text club, text **HELP** to **90421**, or call [800-257-7272](tel:800-257-7272), or email us at guestservices@papamurphys.com.

Mobile Phone:	<input type="text"/>	*	(Ex. 5555555555)
First Name:	<input type="text"/>		
Last Name:	<input type="text"/>		

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The concept of "take-n-bake" pizza was invented by Papa Murphy's in 1981. But today, we focus on what has made Papa Murphy's the fifth largest pizza company in the United States and Zagat's #1 Rated Pizza Chain: our commitment to FRESH.....[Read More](#)

JOIN OUR FAMILY

Looking for FRESH business opportunities? Convert your passion for pizza into a rewarding career.

[FRANCHISE OPPORTUNITIES](#)

[CAREER OPPORTUNITIES](#)

WATCH OUR VIDEO



CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2016, I caused John Lennartson and Susan Shay Nohr's Supplement to Petition for Reconsideration of Retroactive Waiver to Papa Murphy's Holdings, Inc. and Papa Murphy's International L.L.C. to be served on the parties listed on the attached service list via the Electronic Comment Filing System and First Class Mail.

I further certify that I also served an electronic courtesy copy on counsel for Papa Murphy's Holdings, Inc. and Papa Murphy's International L.L.C. via e-mail.

s/ June P. Hoidal
June P. Hoidal

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